

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**COSTAR REALTY INFORMATION, INC.,
2 Bethesda Metro Center, 10th Floor
Bethesda Maryland 20814,**

And

**COSTAR GROUP, INC.,
2 Bethesda Metro Center, 10th Floor
Bethesda, Maryland 20814,**

CIVIL ACTION NO. RWT 08-CV-2767

Plaintiffs,

v.

**BILL JACKSON & ASSOCIATES
APPRAISERS,
17024 Butte Creek Drive, Suite 200
Houston, Texas 77090-2347**

Defendants.

**BILL JACKSON & ASSOCIATES' RULE 12(b)(2) MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION AND, IN THE ALTERNATIVE, MOTION TO DISMISS
FOR IMPROPER VENUE AND MOTION TO TRANSFER VENUE**

Defendant Bill Jackson & Associates ("Jackson"), by and through its counsel Eugene W. Policastri and the firm Bromberg Rosenthal LLP, and William A. Harrison and the firm Strasburger and Price LLP, submits this its Motion to Dismiss for Lack of Personal Jurisdiction pursuant to the Federal Rules of Civil Procedure, Rule 12(b)(2), and in the alternative, submits this its Motion to Dismiss for Improper Venue and Motion to Transfer Venue pursuant to 28 U.S.C. §§ 1404(a) and 1406, and respectfully shows the Court as follows:

Jackson, unlike the Plaintiffs, is a small, independent business licensed to do business only in Texas. Jackson has one office in Houston, Harris County, Texas, and

exclusively does business in the Houston Greater Metropolitan area. Jackson has never been to Maryland, has no office, employees, agents, representatives, or accounts in Maryland, and should not be subject to the jurisdiction of Maryland courts.

I.

MOTION TO DISMISS BASED ON LACK OF PERSONAL JURISDICTION

As more fully set forth in the attached Memorandum of Points and Authorities, Jackson contends that this Honorable Court lacks personal jurisdiction over Jackson and moves for dismissal of Plaintiffs' claims and causes of action because: (1) Jackson did not irrevocably consent to the jurisdiction of Maryland Courts, (2) this Court lacks specific jurisdiction over Jackson because Jackson did not purposefully direct any of its activities to Maryland with the intent of engaging in business in Maryland; (3) this court lacks general jurisdiction over Jackson because Jackson's contacts with Maryland, if any, are not continuous and systematic, and (4) exercising Jurisdiction over Jackson would offend traditional notions of fair play and substantial justice.

II.

ALTERNATIVE MOTION TO DISMISS FOR IMPROPER VENUE

Alternatively, Jackson contends that Plaintiffs' claims against it are based on Federal questions; therefore, venue is governed by 28 U.S.C. § 1391(b). As more fully set forth in the attached Memorandum of Points and Authorities, Jackson asserts that venue in Maryland is improper because (1) no defendant resides in Maryland, (2) none of the events or omissions giving rise to the claim occurred in Maryland, and (3) the Federal District Court for the Southern District of Texas is an available and adequate venue for Plaintiffs' claims and causes of action. 28 U.S.C. § 1391(b).

III.
MOTION TO TRANSFER TO THE FEDERAL DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS

In the alternative and without waiving the foregoing, Jackson asserts that this court should, for the convenience of the parties and witnesses and in the interest of justice, transfer this case to the Federal District Court for the Southern District of Texas. As more fully explained in its Memorandum of Points and Authorities, Jackson contends that, under 28 U.S.C. 1404(a), convenience transfer is warranted by the (1) interests of justice, (2) convenience of the witnesses, (3) convenience of the parties, (4) financial strength of the parties, and the (5) costs of obtaining attendance of willing witnesses. Further, there is ongoing litigation between and among the exact same parties to this litigation with suit having been filed by B.F. Jackson, Inc. d/b/a Bill Jackson & Associates and Bill Jackson against Costar Realty Information, Inc. d/b/a Costar Group and Curtis Ricketts in the 55th Judicial District Court of Harris County, Texas on July 16, 2008 and removed by Costar Realty Information, Inc. d/b/a Costar Group to the United States District Court for the Southern District of Texas, Houston Division on October 31, 2008.

IV.
SUPPORTING EVIDENCE

This motion is supported by the pleadings and papers on file in this case, the attached Memorandum of Points and Authorities, the arguments of counsel, if any, and the following Exhibits:

- Exhibit A Affidavit of Bill Jackson
- Exhibit B Letter from Co-Star

Exhibit C Terms of Use from costar.com
Exhibit D Notice of Removal in Cause No. H-08-CV-3244
Exhibit E Order of Conference in Cause No. H-08-CV-3244.

V.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Bill Jackson & Associates respectfully requests that this Court grant its Motion to Dismiss for Lack of Personal Jurisdiction, or alternatively, grant its Motion to Dismiss for Improper Venue or its Motion to Transfer Venue and transfer this case to the Southern District of Texas, Houston Division, and for such other and further relief, both general and special, at law and in equity, to which Jackson may show itself to be justly entitled.

Respectfully submitted,

Bromberg Rosenthal LLP

By: /s/ Eugene W. PolICASTRI
Eugene W. PolICASTRI (14917)
401 N. Washington St., Suite 500
Rockville, MD 20850
301-251-6200
301-309-9436 – Facsimile
ewpolICASTRI@brsglaw.com

Attorneys for Defendant,
Bill Jackson and Associates

OF COUNSEL:

Strasburger & Price, L.L.P.

WILLIAM A. HARRISON

Texas State Bar No. 09125000

U.S. D.C. Tex., Southern District Bar No. 2498

1401 McKinney, Suite 2200

Houston, Texas 77010

(713) 951-5600 – Telephone

(713) 951-5660 – Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of November, 2008, a true and correct copy of the foregoing document was served upon all counsel of record via electronic notice from the Clerk of the Court.

/s/ Eugene W. PolICASTRI

Eugene W. PolICASTRI